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Attorney for Defendant
FAUSTINO AGUAYO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff

CR. 05-118-MMC

vs.

FAUSTINO AGUAYO, et al.

**STIPULATION TO CONTINUE
STATUS CONFERENCE; ORDER
THEREON**

Defendants.

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Defendant FAUSTINO AGUAYO, by and through his counsel of record Randy Sue Pollock, and Assistant U.S. Attorney David Hall hereby stipulate and agree that the status conference presently set for Wednesday, July 26, 2006, be continued until August 2, 2006, at 2:30 p.m.

A motion to suppress will be heard on July 18, 2006, before the Honorable Marilyn H. Patel in a case that is related to this prosecution. Defendant Aguayo's telephone was the subject of the wiretap in that case. The results of the suppression motion in that case will affect the disposition in this case.

Ms. Pollock has advised all counsel in this case of the requested continuance and none have objected.

1 The time period from July 26, 2006 to August 2, 2006 would be deemed
2 excludable pursuant to 18 U.S.C. Section 3161(h)(8)(A), given that the ends of justice
3 served by granting a continuance outweigh the best interests of the public and of the
4 defendant in a speedy trial. Additionally, pursuant to 18 U.S.C. Section
5 3161(h)(8)(B)(ii) given the nature of the prosecution, the volume of the evidence, the fact
6 that wiretaps were involved as well as pending motions in a related case, it is
7 unreasonable to expect adequate preparation for pretrial proceedings and for the trial
8 within the time limits established by the Speedy Trial Act.

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11 Date: July 10, 2006

(S) Randy Sue Pollock
RANDY SUE POLLOCK
Counsel for Defendant
FAUSTINO AGUAYO
On Behalf Of All Defendants

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15 Date: July 10, 2006

(S) David Hall
DAVID HALL
Assistant United States Attorney

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19 SO ORDERED.

20 Dated: July 14, 2006

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Court Judge